

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**Guadalupe Valdez, individually and as
next friend of E.D.R.V., a minor**
Plaintiff

v.

**Edcouch-Elsa Independent School
District, and Michael Reyes,
individually and as Agent of Edcouch-
Elsa Independent School District,**
Defendants

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Civil Action No. 7:24-cv-00036

**DEFENDANTS EDCOUCH-ELSA INDEPENDENT SCHOOL
DISTRICT AND MICHAEL REYES' NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants Edcouch-Elsa Independent School District ("EEISD") and Michael Reyes hereby remove this action from the 398th District Court of Hidalgo County, Texas to the United States District Court for the Southern District of Texas, McAllen Division, as provided by 28 U.S.C. §§ 1331, 1441, and 1446 based on this Court's federal question jurisdiction.

1. Plaintiff filed her First Amended Petition in Case No. C-3697-23-I in the 398th District Court of Hidalgo County on January 24, 2024. Removal is proper because in that amended petition, Plaintiff alleged for the first time that she is seeking to recover for alleged violations of minor E.D.R.V.'s rights under federal law, including his rights under the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act,

and Section 1983, over which this Court has original jurisdiction. *See* 28 U.S.C. §§ 1331, 1441, 1446.

2. Venue is proper in this district because the state court where the suit has been pending is located in this district.

3. Pursuant to 28 U.S.C § 1446(a) and Local Rule 81, Defendants attach to this Notice all executed process, pleadings, and orders filed in the underlying state court action (Exhibit 1); the docket sheet (Exhibit 2); an index of the matters being filed (Exhibit 3); and a list of all counsel of record, including addresses, telephone numbers and parties represented (Exhibit 4).

4. Contemporaneously with the filing of this Notice of Removal, Defendants are filing a copy of this Notice of Removal with the clerk of the state court in which the action has been pending.

5. Contemporaneously with the filing of this Notice of Removal, Defendants are filing a Civil Action Cover Sheet (Form JS44c) (Exhibit 5).

PRAYER

Accordingly, Defendants removes this case to the United States District Court for the Southern District of Texas, McAllen Division, and ask this Court to retain jurisdiction over this case. Defendants further pray for all necessary writs to bring before this Court all records and proceedings in the 398th District Court of Hidalgo County and for such other and further special and general relief to which it may be entitled to receive.

Respectfully submitted,

/s/ David Campbell

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***Counsel for Defendants EEISD and Michael
Reyes***

CERTIFICATE OF SERVICE

I certify that on February 2, 2024, the following counsel of record was served with the foregoing document via the Court's electronic case filing system:

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